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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,407	08/02/2001	Dwip N. Banerjee	AUS9-2001-0412-US1	5870
7590	04/22/2005			EXAMINER
Andrea Pair Bryant 5202 Vista West Cove Austin, TX 78731			SWARTHOUT, BRENT	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/920,407	BANERJEE ET AL.	
	Examiner	Art Unit	
	Brent A Swarthout	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-5 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabe in view of Schuyler.

Tabe discloses desirability of communicating messages to a vehicle over the internet (col. 16, lines 19-33), and to transfer such messages to other PCs for later use (col. 24, lines 10-15), such as at home (col. 13, lines 50-54), except for specifically stating that communication to a home computer is via an IP address.

Schuyler discloses a computer implemented method of alerting a remotely located vehicle owner of a situation requiring intervention comprising detecting receipt of an external message to an onboard IP address (col.4, lines 51-59), locating an owner IP address (col.6, lines 11-15), and forwarding a message of intervention required to an owner address (col. 5, lines 54-57; col.5, line 64- col.6, line 22).

It would have been obvious to send messages to a home computer via IP address in a system as disclosed by Tabe, in order to ensure that the message reached the correct computer and could be opened by a user at the computer.

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2. Claims 6-8, 11-17, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabe in view of Schuyler and Joao.

Joao discloses an internet notification system whereby a remote owner can communicate by phone or IP address with a vehicle to determine vehicle conditions, and have that data transmitted back to the owner or to a third party (col. 7, lines 21-25; col. 8, lines 5-8; col. 9, lines 56-64; col. 26, lines 30-35; col. 31, lines 55-65; col. 39, lines 1-9; col. 44, lines 33-44).

It would have been obvious to use telephone or PDA communication as suggested by Joao in conjunction with a system as disclosed by Tabe and Schuyler in order to communicate with an owner or remote location with communication tools that would have been portable, in case an individual had to move from a computer for a period of time.

Regarding claim 12, Joao teaches desirability of having an owner send a message to a vehicle, which can send a response message to a third party (col. 44, line 34).

Regarding claim 13, Joao teaches verification of message (col. 20, lines 7-11).

Regarding claim 14, choosing to keep sending a message until verification was received would have been obvious, in order to make sure a system was operating properly.

Regarding claims 23 and 24, choosing to use verification of signal transmission to a third party would have been obvious for the same reasons it

was used with respect to a second party in Joao, to make sure signals were properly received to increase system integrity.

3. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabe in view of Schuyler , Joao and Obradovich et al.

Obradovich teaches desirability of providing transmissions to particular vehicles using vehicle identification numbers (abstract).

It would have been obvious to use transmissions to vehicles using VIN or equivalent numbers, such a license plate number, since these numbers would have provided specific transmissions to particular vehicles of interest, using numbers uniquely assigned to the particular vehicle of interest.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tabe in view of Schuyler, Joao, Obradovich et al. and Lioy.

Lioy teaches desirability of using a Push mechanism for sending transmissions to vehicles (col. 3, lines 1-4).

It would have been obvious to use Push services with a system as disclosed by Tabe, Schuyler, Joao and Obradovich, in order that a user could have received information without having to actively retrieve data from a home network.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Brent Swarthout

Brent A Swarthout
Examiner
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BRENT A. SWARTHOUT
PRIMARY EXAMINER